



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,114	12/29/2003	Carlos F. Vonderwalde	R0495-01201	1742

7590 09/19/2007
Martin Moynihan
c/o Anthony Castorina
2001 Jefferson Davis Hwy.
Ste. 207
Arlington, VA 22202

EXAMINER

TYSON, MELANIE RUANO

ART UNIT	PAPER NUMBER
----------	--------------

3731

MAIL DATE	DELIVERY MODE
-----------	---------------

09/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,114

Applicant(s)

VONDERWALDE ET AL.

Examiner

Melanie Tyson

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 66-70, 75 and 76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 66-70, 75 and 76 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 66-70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Applicant's amendment received on 29 May 2007.

Quayle Action

1. This application is in condition for allowance except for the following formal matters:

Claim Objections:

Claims 66-70 are objected to because of the following informalities: they contain typographical errors and unclear language.

In claim 66, change reference numeral "e" to --d-- and change reference numeral "f" to --e--. In lines 9 and 11, change "end thereof is a said cover connector folded over" to --end thereof is one of said *bendable* cover connectors folded over--. In line 15, change "wherein said cover connectors" to --wherein said *bendable* cover connectors--. The language in lines 15 and 16 is unclear. The language "wherein said cover connectors folded over said first cover end are maxima of undulations of said wire loop" implies that the cover connectors include the folded maxima of undulations portions only. However, Figure 8 clearly shows the connectors include the entire undulation and they are folded over at the maxima of the undulations. Appropriate correction is required.

In claim 67, change reference numeral "d" to --f--. Appropriate correction is required.

In claims 68 and 69, the claim language implies that the stent cover is in contact with the entire inner surface of the stent body, while Figure 8 clearly

shows portions that are not in contact. Therefore, it is recommended the claim reads as follows: --wherein said stent cover is in contact with an inner surface *portion* of said stent body--. Appropriate correction is required.

In claim 70, change "said cover connectors" to --said *bendable* cover connectors--. Appropriate correction is required.

Allowable Subject Matter

2. Claims 66-70, 75, and 76 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Claims 66-70, 75, and 76 are allowable because the prior art fails to disclose or suggest in combination with other limitations of the claim, bendable cover connectors disposed at the periphery of the stent end and folded over the cover end at the maxima of undulations of the connectors.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nolting (Patent No. 6,099,559) discloses a cover and stent with connectors. However, the connectors are not folded over the cover at the maxima undulations. They are simply end caps disposed at the ends of the stent. Lazarus et al. (Patent No. 5,562,728) discloses a stent and cover. However, the connectors are not folded over. The bottom portion of the undulations simply overlap the cover. Bynon et al.

(Patent No. 5,667,523) discloses a stent and cover. However, the graft is folded over the stent. King et al. (5,192,311) discloses a fabric mesh folded over a substrate. However, the fabric mesh does not meet the structural limitations as claimed in claim 66 and there is no teaching or motivation to modify the structure to that as claimed.

Conclusion

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Tyson whose telephone number is (571) 272-9062. The examiner can normally be reached on Monday through Thursday 8:30-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Application/Control Number: 10/748,114

Page 5

Art Unit: 3731

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie Tyson *MT*
September 4, 2007

Tan-uyen Ho
(JACKIE) TAN-UYEN HO
SUPERVISORY PATENT EXAMINER